

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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**Th7a & Th8b**



**RECORD PACKET COPY**

Appeal Filed: 8/20/02  
49th day (waived): 9/9/02  
Permit Filed: 8/28/02  
Staff: JB-SC  
Staff report: 10/17/02  
Hearing date: 11/07/02

**COASTAL DEVELOPMENT PERMIT & Appeal Staff Report  
(COMBINED)**

**SUBSTANTIAL ISSUE DETERMINATION & DE NOVO HEARING**

- Application number .....3-01-113 and A-3-SLO-02-068, Pump Station No. 2 Relocation and Force Main Replacement
- Applicant.....Cayucos Sanitary District
- Project location.....Morro Strand State Beach (24<sup>th</sup> Street, Pacific Ave. and Studio Drive), Cayucos, San Luis Obispo County (APN 073-093-001).
- Project description .....Relocate and reconstruct a sanitary sewer pump station, and replace an 8-inch diameter sewer force main under Old Creek with a new 10-inch force main; existing pump station to be abandoned in place while existing line would be kept in place as an emergency back-up line.
- File documents.....Coastal Act; San Luis Obispo County certified Local Coastal Program; Expanded Initial Study and Mitigated Negative Declaration (Oasis Associates, Inc. June 2001); Coastal Zone Boundary Determination No. 30-2002 (10/3/01)
- Staff recommendation ...Approval with Conditions

**Procedural Note:** This is the substantial issue determination and de novo hearing for appeal number A-3-SLO-02-086. Findings for CDP 3-01-113 will be made concurrently. The staff report has been combined because although there are two separate approvals (one conditionally approved appeal and one conditionally approved permit), there is functionally one sewer replacement project that spans two jurisdictions. As such, the certified SLO County LCP is the standard of review for the appeal portion of the project, but the standard of review is the Coastal Act for the segment of piping located beneath Old Creek lagoon (see Exhibit A for CCC/County jurisdictional boundary determination).

**Summary:** The Cayucos Sanitary District (CSD) maintains and operates a sanitary sewer collection system in the Community of Cayucos. The collection system includes approximately 23.1 miles of gravity collection sewers and five pump stations. The CSD has experienced difficulty with the capacity of Pump Station #2, regarding its ability to accommodate existing peak wet weather flows. Temporary



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surcharging in the upland collection system has occurred. The CSD also has concerns regarding the long-term integrity of the existing 8-inch force main pipe that crosses beneath the mouth of Old Creek located south of the pump station. The CSD feels there are increasing risks of leakage and/or failure of the pipe. The CSD proposes to relocate and reconstruct Pump Station #2, and replace the 8-inch diameter sewer force main under Old Creek with a new 10-inch force main. The creek crossing would be accomplished using a horizontal directional drilling (HDD) method of construction. The project is located in the Morro Strand State Beach area of Cayucos in San Luis Obispo County.

The proposed project has impacts that conflict with the San Luis Obispo County Certified Local Coastal Program ESHA, Hazards, Visual, and Recreation policies, as well as, Chapter 3 resource and access policies of the Coastal Act. There is no guarantee that the proposed HDD technology used to bore the pipe under the creek will not have adverse impacts to the sensitive resources in the vicinity. In addition, lacking irrefutable evidence that there would be no future sewage spills and/or leaks, and the problematic nature of having sewer facilities on a highly scenic recreational beach, indicates that adverse environmental impacts may also occur here. Such impacts are inconsistent with the LCP and Coastal Act resource protection policies offered this area.

Because of the resources at stake, the most cautious approach is warranted here. In order to protect, enhance, and restore resources and access consistent with the Coastal Act, Staff recommends that the beach sewer line be re-located away from the beach, and equivalent sewer connection be provided inland where it will not adversely impact coastal resources. Although mitigation measures proposed by the Applicant would be expected to reduce negative resource impacts, such impacts are not reduced to the greatest degree possible. The greatest protection of the significant marine, beach, riparian and wetland resources present here is accomplished by decommissioning the existing sewer line under Old Creek and re-routing the new pipe inland.

Re-routing the proposed sewer force main to an inland route will take time to successfully plan and implement. In the interim, Staff recommends allowing the Applicant to relocate and replace Pump Station #2 with special conditions that protect the sensitive habitat, visual, recreation, and public access resources. To mitigate for the loss of public access in parking areas due to construction and staging, and the activities (proposed and potential) in close proximity to sensitive resources, Staff recommends that the South parking lot be restored to State Parks standards and informational signage highlighting the sensitive resource area be installed consistent with SLO County Area Plan standards. In addition, construction best management practices would also be required.

As conditioned, the project will ensure that sensitive coastal resources are protected, visual resources are enhanced, public access and recreation is maximized and protected, and that coastal high hazard areas are avoided. Staff recommends approval with conditions.



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**Exhibits**

- A. Project Location
- B. Project Site Beach Area Photos
- C. Project Boundary Determination and Site Plan
- D. Local Government Findings and Conditions of Approval
- E. Full Text of Commissioner Appeal
- F. Other Agency Correspondence

# **1. Summary of Appellant’s Contentions**

Please see Exhibit F for the full text of the appeal.

The appellants, Commissioners Nava and Dessler, have appealed the final action taken by the Planning Commission Hearing Officer on the basis that approval of the project is inconsistent with the San Luis Obispo County Local Coastal Program. The appellant’s contentions can be grouped into four categories: 1)ESHA; 2) Hazards; 3) Public Access and Recreation; and 4) Visual Resources.

# **2. Local Government Action**

The San Luis Obispo County Planning Commission approved a Minor Use Permit/Coastal Development Permit for the project on July 19, 2002 (San Luis Obispo County Permit File No. D010175P). The local findings and conditions of approval are attached as Exhibit D.

# **3. Standard of Review Appeals**

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. Section 23.01.043c(3) of the San Luis Obispo Coastal Zone Land Use Ordinance specifies the sensitive coastal resource areas where development is appealable to the Coastal Commission, which includes environmentally sensitive habitat areas such as wetlands and coastal streams. As determined by the County, this project is appealable to the Coastal Commission because it is a major public works project, is located between the the first



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the Coastal Commission because it is a major public works project, is located between the the first public road and the sea, and involves development within Sensitive Resource Areas designated by the LCP; specifically, the project proposed development within environmentally sensitive habitats associated with the dune, wetlands, riparian corridor, and coastal lagoon associated with Old Creek.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter Three of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is located between the nearest public road and the sea and thus, this additional finding needs to be made in a *de novo* review in this case.

#### **4. Standard of Review for Permits**

A portion of the proposed development (placement of the new sewer force main segment under Old Creek) would take place on the beach within the Coastal Commission's retained coastal permitting jurisdiction. Because of this, the County certified Local Coastal Programs can provide non-binding guidance, but the standard of review for the proposed coastal development permit is the Chapter 3 resource protection policies of the Coastal Act.

#### **5. Staff Recommendation on Substantial Issue**

**MOTION:** *I move that the Commission determine that Appeal No. A-3-SLO-02-068 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

#### **STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:**

Staff recommends a NO vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

#### **RESOLUTION TO FIND SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. A-3-SLO-02-068 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.



## **6. Staff Recommendation on CDP Application**

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.

**Motion.** I move that the Commission approve Coastal Development Permit Number A-3-SLO-02-068 pursuant to the staff recommendation.

**Staff Recommendation of Approval.** Staff recommends a **YES** vote. Passage of this motion will result in approval of coastal development permit A-3-SLO-02-068 as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution to Approve a Coastal Development Permit.** The Commission hereby approves the coastal development permit A-3-SLO-02-068 on the ground that the development as conditioned, will be in conformity with the provisions of the San Luis Obispo County certified Local Coastal Program. Approval of the coastal development permit complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment.

**Motion.** I move that the Commission approve Coastal Development Permit Number 3-01-113 pursuant to the staff recommendation.

**Staff Recommendation of Approval.** Staff recommends a **YES** vote. Passage of this motion will result in approval of coastal development permit 3-01-113 as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution to Approve a Coastal Development Permit.** The Commission hereby approves the coastal development permit 3-01-113 on the ground that the development as conditioned, will be in conformity with the provisions of the Coastal Act. Approval of the coastal development permit complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment.

## **7. Conditions of Approval**

### **A. Standard Conditions**

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.



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2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### B. Special Conditions

1. **Approved Project.** This coastal development permit authorizes:

- (a) Relocation and construction of Pump Station #2 with a capacity of 2,000 gpm.
- (b) Construction of a new 10-inch sewer force main.
- (c) Construction staging within existing parking lots consistent with an approved Final Construction Staging Plan;
- (d) Repair and reconstruction of any damaged public facility including parking lots and roadways;
- (e) Installation of a fence at the South parking lot, and installation of interpretive signs in the lagoon area in accordance with State Park standards and approval.

The Permittee shall undertake development in accordance with the approved Final Plans as approved by the Executive Director in accordance with Special Conditions 2, 3, and 4 below.

2. **Final Project Plans for Relocation of Pump Stations, and Restoration of Beach Area.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT A-3-SLO-02-068, the Permittee shall submit two sets of final revised project plans to the Executive Director of the Coastal Commission for review and approval. The final project plans shall be consistent with the following requirements:

- (a) **Design and Location.** The design of the new pump station #2 shall be in substantial conformance with the Preliminary plans prepared by Quad Knopf dated October 2001. Final Plans shall demonstrate that the location and design of the new pump station #2 can



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accommodate a future inland sewer force main route. Motor control panel height shall be no greater than 5 feet as measured from the parking lot elevation.

- (b) **Removal.** Plans shall indicate the complete removal of the existing pump facilities, including but not limited to the concrete wet well and steel dry well for the existing pumps, following one week of successful operation of the new pump station # 2.
- (c) **Restoration.** Plans shall include the restoration of all areas where the pump station facilities have been removed to their pre-sewer pump station installation condition.

The Permittee shall undertake development in accordance with the approved revised Final Project Plans. Any proposed changes to the approved revised Final Project Plans shall be reported to the Executive Director. No changes to the approved revised Final Project Plans shall occur without a Commission amendment to coastal development permit A-3-SLO-01-086 unless the Executive Director determines that no amendment is necessary.

**3. Final Project Plans for Sewer Line Construction, and Restoration of Beach Area.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT 3-01-113, the Permittee shall submit two sets of final revised project plans to the Executive Director of the Coastal Commission for review and approval. The final project plans shall be consistent with the following requirements:

- (a) **Location.** The Final Plans shall align the pipeline to avoid development within or adjacent to Old Creek Lagoon. The plans may provide for the use of the existing 8-inch sewer force main on a temporary basis, not to exceed one year from the date of Commission action, to allow for the planning and implementation of an inland sewer line routing scheme.
- (b) **Removal.** If at any time in the future, the existing 8-inch sewer main becomes exposed, the Cayucos Sanitary District shall remove the exposed infrastructure within 30-days.
- (c) **Restoration.** Should section (b) above be required at any time, the Plan shall include the restoration of all areas where the 8-inch sewer line has been removed to its pre-sewer line installation condition.

The Permittee shall undertake development in accordance with the approved revised Final Project Plans. Any proposed changes to the approved revised Final Project Plans shall be reported to the Executive Director. No changes to the approved revised Final Project Plans shall occur without a Commission amendment to coastal development permit 3-01-113 unless the Executive Director determines that no amendment is necessary.

**4. Final Project Plans for Construction Staging and Public Access.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT A-3-SLO-02-068, the Permittee shall submit to the Executive Director for review and approval a plan that indicates that the construction staging area(s) and construction corridor(s) will minimize impacts to public access and avoid impacts to marine resources.

- (a) At a minimum, the plan shall demonstrate that:





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- (1) construction equipment or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition;
  - (2) access to Morro Strand State Beach from parking areas shall not be blocked;
  - (3) through public access along the beach fronting the project site shall not be blocked;
- (b) The plan shall include a site plan that, at a minimum, depicts:
- (1) limits of the staging area(s);
  - (2) construction corridor(s);
  - (3) construction site(s);
  - (4) location of construction fencing and temporary job trailers;
- (c) The plan shall include a restoration plan that, at a minimum, includes:
- (1) site plan showing restored contours;
  - (2) schedule for restoration work;
  - (3) time limit for completion of restoration for construction impacts;

The Permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a separate Coastal Commission-approved coastal development permit A-3-SLO-02-068, unless the Executive Director determines that no amendment is required.

5. **PRIOR TO CONSTRUCTION**, the Permittee shall prepare a landscape and screening plan for the review and approval of the Executive Director. The plan shall include appropriate plant materials to screen the proposed motor control panel, but shall not obscure public views.
6. **Future Shoreline Erosion Response**. The Permittee shall not construct, now or in the future, any shoreline protective device(s) for the purpose of protecting the Pump Station #2 or sewer line repair approved pursuant to coastal development permit 3-01-113 and A-3-SLO-02-068 including, but not limited to, the sewer line, manholes, or pump station modifications in the event that these structures are threatened with imminent damage or destruction from waves, erosion, storm conditions, or other natural hazards in the future and by acceptance of this permit, the Permittee hereby waives any rights to construct such devices that may exist under Public Resources Code Section 30235.

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMITS 3-01-113 and A-3-SLO-02-068**, the Permittee shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.



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7. **Assumption of Risk, Waiver of Liability and Indemnity Agreement.** By acceptance of this permits 3-01-113 and A-3-SLO-02-068, the Permittee acknowledges and agrees: (a) that the site is subject to hazards from episodic and long-term bluff retreat, waves, flooding, liquefaction and erosion; (b) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (c) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (d) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (e) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the Applicant.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMITS 3-01-113 and A-3-SLO-02-068, the Permittee shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

8. **Construction Drainage and Erosion Control Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMITS 3-01-113 and A-3-SLO-02-068, the Permittee shall submit a construction drainage and erosion control plan to the Executive Director for review and approval. Such plan shall clearly identify all best management practices to be implemented during construction and their location. Such plans shall contain provisions for specifically identifying and protecting all nearby drainage features (with sand bag barriers, filter fabric fences, straw bale filters, etc.) to prevent construction-related runoff and sediment from entering into these drainage features which ultimately deposit runoff into the Pacific Ocean. Silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction site. At a minimum, such plans shall also include provisions for stockpiling and covering of materials, temporary stormwater detention facilities, revegetation as necessary, and restricting grading and earthmoving during the rainy season from October 15<sup>th</sup> through April 15<sup>th</sup>.

The construction drainage and erosion control plans should make it clear that: (a) dry cleanup methods are preferred whenever possible and that if water cleanup is necessary, all runoff shall be collected to settle out sediments prior to discharge from the site; all de-watering operations shall require filtration mechanisms; (b) off-site equipment wash areas are required; the use of soaps, solvents, degreasers, or steam cleaning equipment is prohibited on the beach; (c) concrete rinsates shall be collected and shall not be allowed into storm drains or natural drainage areas; (d) good construction housekeeping shall be required (e.g., clean up all leaks, drips, and other spills immediately; refuel vehicles and heavy equipment off-site and/or in one designated location; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather); and finally (e) all erosion and sediment controls shall be in place prior to the commencement of grading and/or construction as well as at the end of each day.



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The Permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a separate Coastal Commission-approved coastal development permits 3-01-113 and A-3-SLO-02-068, unless the Executive Director determines that no amendment is required.

**9. Construction Responsibilities and Debris Removal.** The Permittee shall comply with the following requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion;
- (b) Any and all debris resulting from construction activities shall be removed from the beach at the end of each day of construction;
- (c) No machinery shall be allowed at any time on the beach lagoon or intertidal zone;
- (d) All excavated beach sand shall be redeposited at the same location in which it was removed;
- (e) Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material;
- (f) Concrete trucks and tools used for construction of the approved development shall not be rinsed on the beach or parking lots. Off-site area(s) shall be provided for such activities;
- (g) Staging and storage of construction machinery and storage of debris shall not take place on the beach;
- (h) Within 7 days of completion of the sewer line repair authorized by this coastal development permit amendment, the beach area and parking lots shall be restored to its pre-construction condition (additional special conditions apply in the south parking lot fronting Studio Dr., see Special Condition #9); and
- (i) The Permittee shall be responsible for the removal of all debris resulting from failure or damage of any portion of the pump station and sewer line in the future.

**10. State Parks Approval.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT A-3-SLO-02-068, the Permittee shall submit to the Executive Director for review and approval a copy of a permit, letter of permission, or evidence that no permit or permission is required, from the California Department of Parks and Recreation that allows for the pump station relocation and sewer line repair authorized under this permit to take place on California Department of Parks and Recreation property. The Permittee shall inform the Executive Director of any changes to the project required by the California Department of Parks and Recreation. Such changes shall not be incorporated into the project until the Permittee obtains a Coastal Commission-approved amendment to this Coastal Development Permit, unless the Executive Director determines that no amendment is required.

**11. Other Beach Area Consent.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT A-3-SLO-02-068, the Permittee shall submit to the Executive Director for review and



approval evidence that all owners of property where the sewer line repair shall take place and/or where construction access and staging shall take place as authorized under this coastal development permit consent to such activities.

**12. Morro Strand State Parking Lot (Southern).** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT A-3-SLO-02-068, the Permittee shall submit to the Executive Director for review and approval a South Parking Lot Enhancement Plan for restoring the South parking lot to California Department of Parks and Recreation beach-area standards, as required by the LCP. Such plan shall be submitted with evidence of California Department of Parks and Recreation review and approval. The Permittee shall subsequently restore the southern parking lot to State Parks standards in accordance with the approved final Plan within six (6) months of the Executive Director's written approval of the Plan. The Permittee shall undertake development in accordance with the approved final Plan. Any proposed changes to the approved final Plan shall be reported to the Executive Director. No changes to the approved final Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required. Any other development will require a separate Coastal Commission-approved coastal development permit or a separate Coastal Commission-approved amendment this permit, unless the Executive Director determines that no amendment is required.

**13. Compliance with Local Conditions of Approval.** This Coastal Commission action has no effect on conditions imposed by the County of San Luis Obispo pursuant to an authority other than the Coastal Act. Where there is a conflict between the conditions of the local approval and the terms of this permit, the terms of this permit shall control.

## **8. Recommended Findings and Declarations**

The Commission finds and declares as follows:

### **A. Project Location**

The proposed project is located in the Morro Strand State Beach Area of Cayucos, San Luis Obispo County. The majority of the development proposed would be located in two parking lot areas of the State Park north and south of Old Creek. Construction and construction staging will occur in these areas along with the relocation of Pump Station #2. This portion of development is entirely within the County's jurisdiction. The other part of the proposed development (sewer pipe bore and installation) would occur on the sandy beach area between the parking lots. Approximately 800 linear feet of piping is within the County's jurisdiction (280 feet on north side of creek + 520 feet on south side of creek). The remaining 360 feet (middle portion) of the new sewer pipe that crosses beneath the mouth of Old Creek is within Commissions original permit jurisdiction. (See Exhibit C).



A portion of the proposed project entails development activities within the 100 foot wetland setback required by the Coastal Zone Land Use Ordinance (CZLUO), including abandonment of the existing pump station, construction staging and pipe installation.

## **B. Project Description**

The Cayucos Sanitary District (CSD) maintains and operates a sanitary sewer collection system in the Community of Cayucos. The collection system includes approximately 23.1 miles of gravity collection sewers and five pump stations. The CSD has experienced difficulty with the capacity of Pump Station #2. Temporary surcharging in the upland collection system has occurred. The CSD also has concerns regarding the long-term integrity of the existing 8-inch force main pipe that crosses beneath the mouth of Old Creek south of the pump station. The CSD feels there is an increasing risk of leakage and/or failure of the pipe. The CSD proposes to relocate and reconstruct Pump Station #2, and replace the 8-inch diameter sewer force main under Old Creek with a new 10-inch force main. The creek crossing would be accomplished using a horizontal directional drilling (HDD) method of construction.

The CSD has experienced difficulty with the capacity of Pump Station #2, located near the intersection of Pacific Avenue and 24<sup>th</sup> Street, regarding its ability to handle peak wet weather flows. The proposed project would include a new sewer force main and construction of a new concrete wet well structure containing two submersible wastewater pumps. The new pump station would be replaced approximately 140 feet to the north of the existing location. The proposed site is in a planter area between Pacific Street and the State Park parking lot north of Old Creek. A new motor control center would also be installed. The existing dry pit pump station would be stripped of equipment and abandoned in place and filled with sand.

Because of the serious problems to date with the pump stations in this area and the fact that the existing sewer force main is nearing the end of its working life, the Applicant has reviewed a number of routing schemes for a new sewer force main. Ultimately, the Applicant narrowed the analysis to three alternatives as follows:

Applicant's Option 1: (Proposed) Construct a new line parallel to existing sewer line using directional drilling;

Applicant's Option 2: (Not preferred) Move active sewer line from beach to inland route, construct a new creek crossing (bridge) and move active sewer line to new crossing;

Applicant's Option 3: (Not preferred) Move active sewer line from beach to inland route using Highway One bridge crossing.

After review of these options, the Applicant has chosen to pursue the directional drilling (Option 1 above).

The Applicant is proposing to install a parallel, 10-inch diameter force main, enclosed in a 16-inch high density polyethylene (HDPE) encasing, approximately 15 feet seaward of the existing pipeline on the



beach. The new section of pipeline would be placed 20 feet below ground surface at its deepest section, with both connecting ends gradually arching upwards towards the sandy beach surface with termination points located in the north and south parking lot areas. Submitted plans indicate that the pipeline will maintain a 3-foot minimum cover over the entire length of pipe. The proposed 702-foot pipeline segment would be bored under the creek through clay soils and loose clayey sand. Most of the pipe is expected to be located in or below groundwater, as free groundwater occurs 10 to 12 feet below ground surface throughout the project site. A new manhole structure will be placed in the center of the north parking lot area. The existing pipeline would be left in place as an emergency relief line (See Exhibit C for site plans of the proposed project).

## **C. Coastal Development Permit Determination**

### **1. Marine Resources and Sensitive Habitat**

#### **1.1 Substantial Issue Findings for A-3-SLO-02-068**

##### **a. Summary of Appellant's Contentions**

With regard to the Marine Resources and Environmentally Sensitive Habitats, the appellants contend:

- ⇒ *The County approved project is inconsistent with the policies and ordinances of the LCP protecting Marine Resources and Environmentally Sensitive Habitat Areas because the proposed route of the sewer force main, and method of installation, pose significant adverse impacts to ESHA...Although mitigation measures incorporated into the County's approval would be expected to reduce negative resource impacts, such impacts are not reduced to the greatest degree possible. Moreover, these impacts could be avoided using feasible inland routing alternatives.*
- ⇒ *The project is also inconsistent with the 100-foot wetland setback policies required by the LCP. Within the setback area, the applicant proposes to stage construction equipment, install additional force main segments, and abandon and fill the existing pump facilities. These actions may negatively impact the coastal wetland and its surrounding riparian resources, inconsistent with the LCP's riparian/wetland buffer policies. Feasible alternatives exist for the pump station replacement that would have less impact on the habitat. For example, removal of the existing pump facilities, coupled with habitat restoration, would better protect the habitat.*
- ⇒ *The project is inconsistent with the LCP provisions protecting marine resources due to the pollutants that may be released during drilling, or if the pipe is damaged by coastal erosion...In this case, a project design that completely avoids potential impacts to marine resources through the use of an inland route must be pursued to comply with LCP marine resource protection policies.*



**b. Applicable Coastal Act and LCP Provisions**

Coastal Act Sections 30230 and 30231 provide:

*Section 30230. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

*Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Coastal Act Section 30232 states:

*Section 30232. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

Coastal Act Section 30240 states:

*Section 30240(a). Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*Section 30240(b). Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The following LCP Policies apply:

**Policy1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats.** *New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area. (THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE COASTAL ZONE LAND USE ORDINANCE (CZLUO).]*



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**Policy 2: Permit Requirement.** *As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO.]*

**Policy 3: Habitat Restoration.** *The county or Coastal Commission should require the restoration of damaged habitats as a condition of approval when feasible. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170 OF THE CZLUO.]*

**Policy 5: Protection of Environmentally Sensitive Habitats.** *Coastal wetlands are recognized as environmentally sensitive habitat areas. The natural ecological functioning and productivity of wetlands and estuaries shall be protected, preserved, and where feasible, restored. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.170-178 OF THE CZLUO.]*

**Policy 10: State Department of Fish and Game Review.** *The State Department of Fish and Game shall review all applications for development in or adjacent to coastal wetlands and recommend appropriate mitigation measures where needed which should be incorporated in the project design. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.172 OF THE CZLUO.]*

**Policy 13: Vehicle Traffic in Wetlands.** *No vehicle traffic shall be permitted in wetlands. This shall not restrict local and state agencies or the property owner from completing the actions necessary to accomplish a permitted use within the wetland. Pedestrian traffic shall be regulated and incidental to the permitted uses. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]*

**Policy 14: Adjacent Development.** *Development adjacent to coastal wetlands shall be sited and designed to prevent significant impacts to wetlands through noise, sediment or other disturbances. Development shall be located as far away from the wetland as feasible, consistent with other habitat values on the site. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.172 OF THE CZLUO.]*

**Policy 15: Wetland Buffer.** *In new development, a buffer strip shall be required and maintained in natural condition along the periphery of all wetlands. This shall be a minimum of 100 feet in width measured from the upland extent of the wetland unless a more detailed requirement for a greater or lesser amount is included in the LUE or the LUO would allow for adjustment to recognize the constraints which the minimum buffer would impose upon existing subdivided lots. If a project involves substantial improvements or increased human impacts, necessitating a wide buffer area, it shall be limited to utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges, and roads when it can be demonstrated that: a) alternative routes are infeasible or more*





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*environmentally damaging, and b) the adverse environmental effects are mitigated to the maximum extent feasible. Access paths and/or fences necessary to protect habitats may also be permitted.*

*The minimum buffer strip may be adjusted by the county if the minimum setback standard would render the parcel physically unusable for the principal permitted use. To allow a reduction in the minimum standard setback, it must be found that the development cannot be designed to provide for the standard. When such reductions are permitted, the minimum standard shall be reduced to only the point at which the principally permitted use (development), modified as much as is practical from a design standpoint, can be accommodated. At no point shall this buffer be less than 25 feet. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.07.172 OF THE CZLUO.]*

### **c. County Action for Portion Within Appeal Jurisdiction**

San Luis Obispo County approved the subject pump station relocation and sewer main replacement subject to a number of special conditions protecting sensitive biological resources. These include monitoring, surveys for snowy plover, construction training, preparation of Sediment and Erosion Control Plans, a Drainage Plan, and preparation of a "frac-out" Contingency and Clean-up Plan. The County has also conditioned the project to require the removal of the existing, to be abandoned, infrastructure should any portion of it be exposed in the future due to storm erosion (tidal or fluvial).

The County made findings for development within ESHA. These are included in exhibit E. In summary, the County found that relocating the pump station away from the top of the creek bank and outside of the wetland buffer area would be a benefit to the sensitive resources present here. Second, because the construction area is within an existing developed parking lot the County finds that this development will not have an adverse effect on sensitive resources associated with Old Creek. Third, the County found that activities associated with the boring occur that necessitate work in the area of Old Creek are mitigated through comprehensive monitoring and early detection.

### **d. Substantial Issue Analysis and Conclusion**

In this case, the LCP addresses development within or adjacent to Environmentally Sensitive Habitat Areas (ESHA) primarily through LCP Policies 1, 2, & 3. Policies 5 & 10 require protection of ESHA's and referral of projects to the Dept. of Fish and Game. Policies 13, 14, 15 limit activities in and adjacent to wetlands and set the buffer areas of at least 100 feet from the upper extent of the wetland. Policies 18, 19, 20, 24, and 26 mimic wetland protection policies by identifying riparian vegetation as an ESHA. These policies are implemented through CZLUO Sections 23.07.160 -174. In addition, Marine Habitat Policies 36, 37, and 38 require that shoreline structures, including pipelines, be sighted and designed to avoid and minimize impacts on nearshore marine habitats. These policies are implemented through Section 23.07.178. These policies require that development located within or adjacent to ESH shall not significantly disrupt the resource, and that the development be compatible with the biological continuance of the resource. On the whole, these LCP policies recognize that development within or in close proximity to ESHA can have negative resource impacts and should be avoided if feasible.



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The approved plans show that the existing pump station facilities would be located within the recommended 100-foot wetland setback, as is a portion of the existing parking lot where the construction staging and bore pit would be located. The County approved project allows the existing pump stations to be abandoned in place and filled with sand. The existing force main would be left in place and used as an emergency backup line. While the applicant has indicated that adverse impacts would occur as a result of removing these existing facilities, it remains unclear as to the degree and duration of such impacts. Staff is concerned that this may not be compatible with the biological continuance of the resource and could pose additional resource impacts in the future. Thus, a substantial issue exists with respect to the relocation and reconstruction of Pump Station #2.

The applicants have chosen HDD drilling technology as the preferred method of construction for the installation of the new sewer force main. A small segment of sewer line (approx. 280 feet) would also be installed in the County's jurisdiction using HDD drilling. This too is within the required 100-foot wetland setback. The primary short-term risk to the sensitive resources present here is from the possibility of a "frac-out" during HDD drilling. A "frac-out" is when drilling fluid used to lubricate the drill head is released at the surface. "Frac-outs" can have adverse impacts to the surrounding environment. According to the report submitted by the County, "frac-outs" are more common at stream and creek crossings usually due to poorly consolidated alluvial sediments present at these locations. In addition, staff has concerns about the long-term integrity of the new sewer pipe, which would be located in a LCP designated high hazard area. Should the pipeline fail or break, there is a possibility that the discharge of raw sewage may adversely impact sensitive marine resources. Thus, a substantial issue exists with respect to the location and method used to accomplish this development.

### **1.2 Coastal Development Permit Findings (A-3-SLO-02-068 and 3-01-113)**

The proposed sewer line would be located on Morro Strand State Beach along the shores of Estero Bay. Morro Strand is well-known for the quality of marine resources present here, and has long been a focal point for area residents and visitors alike providing opportunities for surfers, fishers, divers, marine researchers, artists, passive walkers, kayakers, and boaters, among others. Old Creek (under which the HDD bore is proposed) is home to a number of rare and/or endangered species including: tidewater goby, red-legged frog, and southwestern pond turtle. In addition, the snowy plover are known to nest here. As such, the beach, wetland, and riparian resources involved with the proposed project are sensitive coastal resources of the utmost state and federal importance.

In order to approve Coastal Development Permits for this project it must be consistent with the LCP and Coastal Act. As alluded to in the Substantial Issue findings, the project as approved poses significant risks to the environment. Not only is it a substantial issue for the portion of the project within the Commission's appeal jurisdiction where the standard of review is the Certified LCP, this type of development is also problematic under the Coastal Act Chapter 3 resource protection policies.



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### Short Term Impacts

The project includes installation of a new 10-inch sewer force main under Old Creek. As discussed, the Applicant's preferred construction method is the use of horizontal directional drilling (HDD). HDD uses a steerable drill head to bore a hole that would accommodate the new sewer force main under Old Creek. The drilling process involves use of drilling fluid consisting of water and bentonite (or clays) that function as a lubricant, suspend cuttings, and act as a sealant to fill spaces around the hole. Once a pilot hole has been created, a series of reams is initiated which successively widens the bore until it reaches the desired width and destination. The protective casing and sewer force main are then installed by attaching the piping to the drill head and pulling it back through the entire length of the borehole. The primary risk to the environment from this method of drilling is the possibility of a "frac-out". A "frac-out" is when the drilling fluids migrate through the substrate during boring, and are released at the surface. "Frac-outs" are typically dealt with by vacuuming the released lubricant while slowing the bore advancement past the fracture point, or attempting to plug the fracture using natural materials or chemical sealants.

Frac-outs may be terrestrial or aquatic in nature and vary in size and quantity. Terrestrial frac-outs are typically easier to contain and therefore result in temporary impacts to the environment. Aquatic frac-outs are more problematic because bentonite disperses rapidly and settles in water. There are two specific indirect effects on bentonite on aquatic life. First, bentonite, which is suspended in the water column, may inhibit respiration of fishes and other aquatic life. Next, once the bentonite settles, secondary long-term impacts can result. For example, egg masses of aquatic life can be smothered, inhibiting flow of dissolved oxygen to the eggs. Or, aquatic organisms may be covered and suffocate due to fouled gills and/or lack of oxygen.<sup>1</sup>

According to the County staff report and submitted environmental documents, HDD technology is not risk free technology. In fact, there is a high risk of a frac-out in this location, resulting in adverse environmental impacts. As is the case here, "frac-outs" are more common at stream and creek crossings due to poorly consolidated alluvial sediments. As described in the County staff report, recent statistics from Wolrdcom, which installed approximately 28 miles of conduit using HDD technology reported a frac-out average of 1 per 600 linear feet, with a much higher rate at stream and drainage crossings. In addition, recent communications with the Department of Fish and Game indicate that 5 of the last 6 stream crossings in the area using HDD technology have resulted in frac-out. Finally, during sub-surface field investigations conducted on June 14, 1999, clayey soils and sands were encountered in the project area, which lend credence to staff's finding that a frac-out is likely to occur here.

Although mitigation measures proposed by the Applicant would be expected to reduce negative resource impacts should a frac-out occur, such impacts are not reduced to the greatest degree possible. Such impacts are inconsistent with Coastal Act Sections 30230, 30231, and 30240(b) that require maintaining the biological continuance and enhancing the health of the sensitive marine resource areas. In this case,

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<sup>1</sup> Forkert Engineering and Surveying, Inc. and Chambers Group Inc., *Horizontal Directional Drilling: Contingency and Resource Protection Plan for Construction of the At&T Fiber Optic Cable Installation Project*. November 2001, pg.2.



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the greatest protection for sensitive habitats and marine resources would be to avoid the use of HDD in this area and select an alternative inland routing method, that would not require drilling under the creek.

### Long Term Impacts

The Commission is concerned that this project has the potential for future raw sewage leaks, and even catastrophic spill events because of the proposed location of the pipe under the creek. If a rupture occurred here, raw sewage would leak into the sensitive coastal wetland environment. Lacking irrefutable evidence that there would be no possibility of sewage spills and/or leaks in the future, the Commission must find that past experiences, and the problematic nature of having a sewer line in high natural hazard areas as proposed in this application indicates that such episodes could occur here. Such impacts are inconsistent with Coastal Act Sections 30230, 30231, and 30240 that require maintaining and enhancing the long-term health of the sensitive marine resource. The project also does not protect marine organisms and human health because it does not minimize the effects of waste water discharge and does not adequately protect against the spillage of a hazardous sewage substance as further required by Section 30231 and Section 30232. As mentioned, the new sewer force main would be installed in both the Commission's appeal jurisdiction and original permit jurisdiction.

It should be noted that not all of the District's sewer line, extending from Cayucos to the sewage treatment plant in Morro Bay, is located on the beach. Portions of this line are located inland of houses that have been constructed on the bluffs of Pacific Avenue and Studio Drive. The majority of these beach houses have been armored with some type of revetment. In fact, this is the only segment in the area that is located under sandy beach cover. As a result, the portions of sewer line on Pacific Ave. and Studio Drive fronting single-family residences do not have the same set of issues, as does the portion of sewer line that is located on the beach. In fact, the Commission distinguishes between the two because those portions of sewer line already inland of residential development are protected from coastal processes by this siting; those portions not so protected, such as the segment proposed for relocation, is the segment most likely to negatively impact the marine environment.

### Alternatives

The applicant determined that locating the force main under Old Creek was the superior alternative. While the Applicant's alternatives are briefly discussed (and dismissed), a thorough analysis that incorporates technical and environmental constraints has yet to be performed.

In this case, the applicant is quick to dismiss alternative inland routing schemes because "Good engineering design typically locates sewer pipes in the ground." However, a brief review of the material submitted indicates that feasible alternatives exist. Although every comment of the applicants review cannot be analyzed here, a few observations are needed. First, the submitted analysis does in fact offer insight into three environmentally superior inland routing alternatives. The discussion states:

- *"An alternative position for the pipes would be beneath the bridge deck (Highway One). This alternative would require drilling/coring through the cross members, including pier caps at each end. The diameter of the bores to accommodate the casing would be a minimum of 18 inches."*



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- o *“Placing the pipes on the northbound bridge would require the crossing of SR 1 and temporary lane closure(s) for construction and any subsequent maintenance activities.*
- o *“Placing the pipes on the southbound bridge would also require lane closures. However, the shoulder area south of the bridge is inadequate to accommodate the pipe. The pipe would, therefore, need to be constructed in the outside southbound lane.”*

Second, Staff has attempted to analyze those issues that are most relevant when evaluating an alternative inland routing scheme. Even a brief review supports staff findings that an alternative route is indeed feasible and most importantly can be accomplished in a manner more protective of sensitive resources. In general, criteria used to evaluate the issues associated with a bridge-based route lend support to staff's recommendation of an alternative route for the sewer pipe. It should also be noted that this brief summary only evaluates a bridge-based alternative. Other structural methods could also be constructed to support the sewer main and cross Old Creek.

The following table summarizes the issues:

Issue	Under Old Creek Route (HDD boring)	Inland/Bridge Route
Visibility	Out of public viewshed Could “daylight” due to natural processes	Out of public viewshed
Corrosion	Low	Moderate
Leak Detection	Poor	Good
Access for Repairs	Poor	Good
Where leaks go	Into ground	Into creek
Problems with poor soils	High	Low
Natural Hazards Impact	High	Low
Ease of Upgrade	Good	Good
Right of Way Acquisition	Available	Unknown -Need to arrange
Cost	Moderate	Unknown

Overall, the weight of evidence, including a brief review of alternatives and available information about inland routes, still supports a finding that there is an environmentally superior feasible alternative here. Indeed, based solely on the information presented, one could conclude that HDD boring technology is not appropriate in this case and that a land-based routing scheme should be pursued.



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In order to protect coastal resources and approve the Coastal Permit consistent with the LCP and Coastal Act, the Commission finds that the beach sewer line must be re-routed, and equivalent sewer connection be provided inland where it will not adversely impact sensitive habitat and marine resources. Although mitigation measures implemented during the installation of the line on the beach, as proposed by the Applicant, would be expected to reduce negative resource impacts, such impacts are not reduced to the greatest degree possible. Re-routing the sewer line from the beach and moving the new line to an inland location would accomplish the maximum resource protection here. Two options considered by the Applicant entail first relocating the line from the beach to the inland road perpendicular to Highway One in this area, then traversing Old Creek using an alternative method (i.e. use Highway One bridge or some other constructed mechanism). These options would likely take the longest time to be achieved. It would also, however, result in the greatest protection of the significant marine and beach resources.

The Commission recognizes that pump station #2 will require relocation to avoid immediate wet season sewage surcharging until such time as the required force main relocation occurs. Accordingly, this approval allows for such a replacement, consistent with the need for the Applicant to obtain all necessary State Park approvals (See Special Condition 10). This approval also requires implementation of construction best management practices (during and after construction) to limit short-term construction impacts on coastal resources. (See Special Conditions 8 & 9).

Thus, to adequately protect marine resources as required by Chapter 3 of the Coastal Act, the Commission finds that: (1) the Applicant's sewer force main must be relocated from the beach to inland roads; (2) the existing pump station structures, including but not limited to the concrete wet well and steel dry well that are proposed for abandonment, must be removed in their entirety once the new pump station is installed; (3) all areas where sewer facilities have been so removed must be restored to their pre-sewer line installation condition; and (4) if at any time in the future, the existing 8-inch sewer main which will be left in place becomes exposed, within 30 days the District shall remove the exposed infrastructure and the beach area shall be restored to its pre-removal condition. See Special Conditions #2 and #3.

As conditioned, the Commission finds that the proposed project will maintain and enhance ESHA and marine resources and associated water quality; will maintain and enhance the biological productivity and quality of coastal waters for the protection of human health and marine organisms; will protect against the spillage of substances hazardous to human health and marine organisms; and, as such, is consistent with Coastal Act Sections 30230, 30231, 30232, and 30240.

## **2. Coastal Hazards**

### **2.1 Substantial Issue Findings**

#### **a. Summary of Appellant's Contentions**



With Respect to Hazards, the Appellant's contend:

⇒ *Locating public infrastructure and abandoning unused facilities within such hazardous areas, is inconsistent with the LCP Hazards Policies 1 and 3. Alternative designs that follow an inland route and bridge crossing can be implemented to avoid and greatly minimize risks associated with coastal hazard areas.*

**b. Applicable Coastal Act and LCP Provisions**

Coastal Act Section 30235 addresses the use of shoreline protective devices:

*Section 30235. Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*

Coastal Act Section 30253 addresses the need to ensure long-term structural integrity, minimize future risk, and avoid additional, more substantial protective measures in the future. Section 30253 provides, in applicable part:

*Section 30253. New development shall:*

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The following LCP Policies and Ordinances apply:

**Policy 1: New Development.** *All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. Along the shoreline new development shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters, groins) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure. Construction of permanent structures on the beach shall be prohibited except for facilities necessary for public health and safety such as lifeguard towers. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD]*

**Policy 3: Development Review in Hazard Areas.** *The County shall require a detailed review of development proposed within the geologic study area and flood hazard combining designations as indicated on the LUE maps for the coastal zone. The review shall be performed by a qualified*



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*registered and/or certified engineering geologist and shall be adequately detailed to provide recommendations and conclusions consistent with this plan...*

### **c. County Action for Portion Within Appeal Jurisdiction**

The County approved the project subject to 33 conditions. As mentioned, the existing pump station and a sewer pipe segments are within the Flood Hazard area designation associated with Old Creek. The County approved the abandonment in place of the existing pump station facilities upon removal of all mechanical pieces. The County has conditioned the project to require complete removal of the existing pump station and sewer line in the event that any portion becomes exposed due to wave or stream erosion.

### **d. Substantial Issue Analysis and Conclusion**

Hazards Policy 1 and 3 call for new development in areas subject to natural hazards to be designed to minimize risk to human life and property. The portion of the project located within the County's jurisdiction involves abandonment of existing pump station and the installation of small sewer force main segments on the fringe of Old Creek lagoon. This fringe area is affected by the LCP Flood Hazard designation associated with Old Creek and coastal high hazards (tidal inundation or tsunami). While abandoning these facilities in place may not have direct environmental impacts to sensitive species, it would create a potential health hazard and may have future adverse impacts to the public use of the area (see also Access and Recreation & Visual Resource findings). Project plans show that in this location, the new sewer main would be located only 3 feet below the sandy surface. Locating public infrastructure and abandoning unused facilities within such hazardous areas, is inconsistent with Hazards Policy 1 and 3. Alternative designs that avoid such impacts must be evaluated. Thus, a substantial issue exists regarding the abandonment of the pump station and installation of a new sewer force main segment in this area.

## **2.2 Coastal Development Permit Findings (A-3-SLO-02-068 and 3-01-113)**

In order to approve the Coastal Development Permit for this project, portions must be consistent with the LCP and other portions must be consistent with the Coastal Act. As discussed in the Substantial Issue findings, a portion of the project as approved by the County is located in a high hazard area and poses a risk to the environment. The sewer line location in the Commission's jurisdiction is also proposed to be in a potential hazard location presenting problems with Coastal Act consistency.

Coastal Act Section 30253 addresses the need to ensure long-term structural integrity, minimize future risk, and avoid additional, more substantial protective measures in the future. Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or "hard" solutions alter natural shoreline processes. Accordingly, with the exception of new coastal-dependent uses, Section 30235 limits the construction of shoreline protective works to those required to





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protect existing structures or public beaches in danger from erosion.

Since its installation in 1950's, the beach area sewer line has not had serious problems with leaks and ruptures due to its beach placement. However, this does not mean that it will forever be immune to problems. In fact, recent experiences in other coastal beach areas indicate that these types of projects can indeed be problematic. At Pot Belly Beach in Santa Cruz County, despite multiple "fixes", raw sewage has flowed onto the beach and bay due to problems with this line at least four times to the detriment of the marine resources. Absent some form of intervention, a continuation of these problems is expected with the beach sewer line<sup>2</sup>. This is one example where damaged lines have leaked raw sewage into sensitive coastal beach areas causing adverse impacts to coastal resources.

Furthermore, it is reasonable to assume that the proposed project will not be immune from the need for some form of engineered armoring in the future. To presume otherwise is not consistent with the Commission's experience with such beach area environments. With sea level rise, ongoing beach retreat, cumulative impacts on shoreline sand supply dynamics from up and downcoast armoring, and due to the tidal surge and/or flooding in this area, the potential for future problems is present here. Since the proposed project cannot guarantee that it will be structurally stable without reliance on landform altering engineering solutions, and since the proposed project does not minimize the risk to the sewer line in an area of high coastal hazard, it is inconsistent with Coastal Act Sections 30235 and 30253.

Risks to the proposed sewer line include rupture, spill, leak, or otherwise may be structurally compromised as a result of its placement in the beach area environment. Although the District has sought to minimize these risks, the risks cannot be eliminated entirely if the line goes in at this location.

In order to protect coastal resources and approve the Coastal Permits A-3-SLO-02-068 and 3-01-113 consistent with the Coastal Act, the Commission finds that the beach sewer line must be re-routed, and equivalent sewer connection be provided inland where it will not be subject to coastal hazards and consequently have the potential to adversely impact sensitive habitat and marine resources. There are complementary Coastal Act policies at play here (i.e., hazards, marine resource and ESHA) that dictate that rerouting of the beach area line is necessary to otherwise achieve consistency with the Coastal Act Section 30235 (see previous findings and Special Conditions 2 & 3). Placement of the sewer line inland also has the long-term effect of ensuring that future shoreline protective structure will not be necessary to protect the sewer line consistent with Section 30253.

Clearly, natural shoreline processes may threaten the proposed 10-inch line as well as any existing segments in the interim. The experience of the Commission, coupled with the geological information presented indicates there is a potential for adverse environmental impacts to occur. Beach area development such as this is susceptible to beach scour and erosion damage due to flooding, tsunamis, storm waves and storm surge conditions. Consistent with Coastal Act Section 30235, Special Condition 3 prohibits the installation of a new sewer force main in this location under Old Creek. Similarly,

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<sup>2</sup> Staff recommended removal and inland routing for the fractured sewer force main on Pot Belly Beach (CDP # 3-83-119-A3).



3 prohibits the installation of a new sewer force main in this location under Old Creek. Similarly, Special Condition 1 requires that the existing 8-inch force main be removed in a timely manner should it become at all exposed on the beach or underwater.

Furthermore, since it is the intent of the Commission to have the new sewer line moved to an inland location, it is unwise to allow future armoring of the line. To insure that shoreline armoring, and its attendant negative impacts on coastal shoreline resources and processes, does not occur here consistent with Section 30253; this approval is conditioned for the Applicant to agree to no future armoring (see Special Condition 6).

As conditioned, the Commission finds that the proposed project minimizes risks to life and property in areas of high coastal hazard; assures stability and structural integrity; does not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area; and does not require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs; and, as such, is consistent with Coastal Act Sections 30235 and 30253.

### **3. Public Access and Recreation**

#### **3.1 Substantial Issue Findings**

##### **a. Summary of Appellant's Contentions**

With Respect to Public Access and Recreation, the Appellant's content:

⇒ *Morro Strand State Beach is an important visitor-serving and coastal recreation area. While limited access will be maintained during construction, a portion of the beach area will be closed to the public. The project is estimated to take 2-4 weeks to complete...however this construction period could be significantly increased. Most importantly, in the event of a pipeline failure or sewage spill it is possible that public access and recreation opportunities may be dramatically impacted.*

##### **b. Applicable Coastal Act and LCP Provisions**

Coastal Act Section 30604(c) requires that every local coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road on the beach. Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. In particular:

*30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be*



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*provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

*30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

*30212(a): Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...*

*30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

*30220: Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

*30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

*30223: Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Coastal Act Section 30240(b) also protects parks and recreation areas. Section 30240(b) states:

*Section 30240(b). Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The following LCP Policies apply:

***Policy 1: Recreation Opportunities.** Coastal recreational and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged and where feasible provided by both public and private means. Removal or conversion of existing lower-cost facilities and opportunities in areas designated with a "V" Visitor Serving Overlay in the LUE shall be prohibited unless the use will be replaced by a facility offering comparable visitor serving or recreational opportunities.... The new construction of non-visitor-serving or non-principally permitted uses shall only be permitted if it can be found that they would not prejudice the provision of adequate visitor-serving facilities to meet the foreseeable demand over the next 20 years [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD]*

***Shoreline Access Policy 2: New Development.** Maximum public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development. Exceptions*



may occur when (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; (2) adequate access exists nearby, or; (3) agriculture would be adversely affected. Such access can be lateral or vertical [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.420 a. and c. OF THE CZLUO]

**Shoreline Access Policy 4: Provision of Support Facilities and Improvements.** Facilities necessary for public access shall be provided. This may include parking areas, restroom facilities, picnic tables or other such improvements. The level of these facilities and improvements should be consistent with the existing and proposed intensity and level of access use and provisions for on-going maintenance. Requirements for coastal access and improvements are identified in the specific Planning Area Standards and the Land Use Ordinance for the coastal zone [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.420 h. OF THE CZLUO].

**Shoreline Access Policy 6: Public Safety.** The level and intensity of shoreline access is to be consistent with public safety concerns related to bluff stability, trail improvements as well as the provision of adequate facilities such as signs fences and stairways. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.420 h. OF THE CZLUO]

**Shoreline Access Policy 9: Restoration and Enhancement of Shoreline Access Areas.** Areas that have been severely degraded through overly intense and unrestricted use should be restored by such techniques as revegetation with native plants, trail consolidation and improvements through the provision of support facilities such as parking, defined trail and/or beach walk stairway systems, trash receptacles restrooms, picnic areas etc. In extremely degraded areas (especially sensitive habitat areas), a recovery period during which public access would be controlled and limited may be necessary. This should be determined through consultation with the property owner and appropriate public agencies to establish the means of controlling public access that is reasonable and cost effective. Any limitation of use shall be evaluated periodically to determine the need for continued limited use. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.04.420j. OF THE CZLUO.]

### **c. County Action for Portion Within Appeal Jurisdiction**

The County approved the project subject to a number of conditions to mitigate for the loss of public access and recreational opportunities. These include mitigations to repair the Southern parking lot; a construction time limit of 8 weeks, event scheduling coordination with CDPR; and a provision for signage on location to aid the public through and around the construction site.

### **d. Substantial Issue Analysis and Conclusion**

Recreation and Visitor-Serving Policy 1 requires that coastal recreation and visitor-serving facilities be protected. In addition, Shoreline Access Policies 1,2,4,6 and 9 protect public access to the shoreline. These policies are implemented by CZLUO Section 23.04.420.



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The project will occur within the County road ROW and the State Park parking lots (North and South). Primarily the public visiting Morro Strand State Beach, which is directly adjacent, uses these parking areas. Construction and construction staging will occur within these parking areas and will require exclusion of public use for the duration of the project. The project is estimated to take 4-6 weeks to complete. While some access will be maintained, public parking will be excluded nearly 50% of each parking lot. C DPR has expressed concern about the public ability to access restroom facilities in the North parking area as well. In addition, the applicant proposes to abandon, in place, pump station facilities located in popular access and picnic eating areas, directly adjacent to the North parking lot. The appellants are concerned about long-term impacts to access that this proposal may have. While the applicant proposes to remove all structures at-grade, "daylighting" of these structures may occur in the future, which would impede access and recreation opportunities in these locations. The appellants contend that the impact to public access and recreation appears to be likewise inconsistent with Coastal Act Access and Recreation Policies.

Thus, a substantial issue exists with respect to the Public Access, Recreation, and Visitor-Serving Policies mentioned above.

### **3.2 Coastal Development Permit Findings (A-3-SLO-02-068 and 3-01-113)**

The proposed sewer line would be located on Morro Strand State Beach along the shores of Estero Bay. Morro Strand is well-known for the quality of marine resources present here, and has long been a focal point for area residents and visitors alike providing opportunities for surfers, fishers, divers, marine researchers, artists, passive walkers, kayakers, and boaters, among others. The unique grandeur of Morro Rock can be seen from this location.

It is possible that the line itself could present an obstacle to coastal recreational access. The sub-surface line can become exposed when the beach is scoured and the sand level is down. Year round, above-grade pump facilities located near public access pathways and recreation eating areas present a distinct safety hazard to recreational beach users, and limit public access as a result. The exposed concrete bollards used to protect these facilities likewise present an obstacle to beach recreational use, not to mention adding a cluttered appearance. See Exhibit B for photos of these beach area structures.

The Coastal Act specifically protects recreational beach and offshore public access here. The subject project proposes to organize a staging area within the North parking lot heavily used by the public for construction, and to undertake construction on and adjacent to the public beach.

As detailed earlier, the Applicant now proposes to replace the pipeline by installing a new section of pipeline seaward of the existing pipeline and diverting flows into this new segment of the line. The Applicant indicates that this installation would take approximately 4-6 weeks to complete. However, the duration of the project could be extended should difficulties arise in the boring process (i.e. frac-out, bore collapse, etc.).



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While limited access will be maintained, the public would be excluded from the most heavily used portion of the beach near the parking lot, restrooms, beach trails, and eating areas. As shown on project plans, the staging area and construction corridor would be located in very close proximity to these beach park amenities. CDPR has expressed concern with the staging area location, in particular with the fact the construction area may prevent or impede access to the public restrooms. CDPR also points out that the public may be directed around the construction site, and as a result may be forced into high traffic areas. This is a concern to public safety as well as an adverse access and recreation impact.

The Commission is also concerned that that public access here will be negatively impacted by the sewer facilities themselves. Even if it could be guaranteed that impacts from sewage spills, and leaks could be eliminated by the proposed project (which it cannot), there is still the issue of the physical structures on the beach (sewer lines, pump stations, control boxes, protective concrete bollards, manholes, etc.). These physical structures directly impede public use of the beach.

The proposed project is inconsistent with the Coastal Act's public access and recreation policies; it:

- reduces public access and recreational opportunity contrary to the requirements of Coastal Act Section 30210;
- interferes with the public's right of access to the beach and bay at this location contrary to the requirements of Coastal Act Section 30211;
- degrades the lower cost visitor recreational facilities represented by the Morro Strand State Park Beach contrary to the requirements of Coastal Act Section 30213;
- converts oceanfront recreational land to non-recreational (sewer infrastructure) uses contrary to the requirements of Coastal Act Section 30221;
- prolongs continued backbeach use by non-recreational structures (i.e., pump stations, etc.) contrary to Coastal Act Section 30223; and
- significantly degrades Morro Strand State Beach, and ongoing uses of the beach recreational area contrary to Coastal Act Section 30240(b) for the duration of the construction period.

In light of the access and recreation Coastal Act inconsistencies, and in order to ensure that the public does not suffer from such impacts in the future, the Commission finds that the Applicant's proposed approach is not adequately protective of public access. As described in the above marine resources finding, the most cautious approach is warranted here and thus the Applicant needs to remove the decommissioned sewer pump station facilities from the beach area (see Special Condition 2). This will ensure that maximum public access and public recreational opportunities are maintained at this location consistent with the Coastal Act.

As discussed in the earlier finding, the replacement of Pump Station #2 is necessary until the sewer line facilities are planned for and relocated. Accordingly, this approval provides for such development within the existing parking area so as to avoid adverse impacts to public access from an additional parallel line and abandonment of infrastructure. (See Special Condition 2). Any such repair will require 4-6 weeks to



complete. During this time, public access to the beach and bay area will be severely impacted by construction activities. This impact is significant. Good construction methods and an alternative staging location within the parking area will be critical to help minimize impacts (see Special Conditions 2, 4, and 7).

Although this impact cannot be eliminated, the Applicant can mitigate for these public access impacts by providing for some public access enhancements in the immediate area. County and State Parks staff have indicated that the Southern park area fronting Studio Drive is an appropriate mitigation receiver site. The Estero Area Plan identifies improvements that are needed at this location including (a) pave the south parking lot, (b) install picnic tables and restrooms, (c) interpretive sign for Old Creek Lagoon; (d) protect wetland habitat. It is appropriate, therefore, for the Applicant to restore this parking area to State park standards as mitigation for the lost access opportunities during the 4-6 weeks that the proposed project would require. Staff has discussed the improvements identified in this standard with the County and State Parks staff and have indicated that paving the parking lot is not desired. They have indicated that an appropriate improvement to the parking lot would be the installation of a low fence (e.g. split rail, peeler post) that would delineate the parking area and prevent cars from driving into the beach/lagoon area. This improvement would also provide habitat protection consistent with (d) of this standard. In addition, the signage discussed in (c) would also be appropriate. (See Special Condition 12).

The subject site is also a heavily used State Park beach area for which the Applicant will need to secure permission from DPR (see Special Condition 10).

As described above, the proposed project will negatively impact beach access at this location – both in the short (construction) and long-term. As conditioned, the Commission finds that the proposed project maximizes public access and recreation; does not interfere with the public's right of access to the sea; protects lower cost visitor recreational facilities; protects the offshore water-oriented recreational area; protects oceanfront recreational land for recreational use; and is compatible with the continuation of the beach park and recreation area; and, as such, is consistent with Coastal Act Sections 30210, 30211, 30213, 30220, 30221, 30223, and 30240(b). Therefore, the proposed project, as conditioned, is in conformity with the applicable public access and public recreation policies of Coastal Act Chapter 3.

## **4. Visual Resources**

### **a. Summary of Appellant's Contentions**

With Respect to Visual Resources, the Appellant's content:

- ⇒ *Abandoning the existing pump station and other above-grade metal and concrete structures don not blend with the natural terrain, as required by the LCP. Alternatives exist that would allow for the park to maintain its scenic, natural character.*



**b. Applicable Coastal Act and LCP Provisions**

Coastal Act Section 30251 states:

*Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Visual access to and along the coast is also considered a form of public access. As such, the Coastal Act's access policies are also relevant. Applicable Coastal Act access policies include:

*Section 30210. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

*Section 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

The following LCP Policies apply:

*Visual and Scenic Resource Policy 1: Protection of Visual and Scenic Resources. Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved protected, and in visually degraded areas restored where feasible. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD].*

*Visual and Scenic Resource Policy2: Site Selection for New Development. Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusions. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD].*

*Visual and Scenic Resource Policy 5: Landform Alterations. Grading, earthmoving, major vegetation removal and other landform alterations within public view corridors are to be minimized. Where feasible, contours of the finished surface are to blend with the adjacent natural terrain to achieve a consistent grade and natural appearance. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD PUSUANT TO SECTION 23.05.034 OF THE CZLUO.]*





**c. County Action for Portion Within Appeal Jurisdiction**

The County approved the project subject to a number of conditions intended to lessen the visual impacts. These include a requirement for landscaping and screening that do not obscure views from adjacent property, including requirements for Landscape and Screening Plan.

**d. Substantial Issue Analysis and Conclusion**

Visual and Scenic Resources Policy 1, 2, and 5 serve to protect visual resources by requiring new development to be located in areas not visible from major public view corridors, be sited to protect major scenic views, and restore visually degraded areas where feasible. As discussed, the proposed project will abandon existing pump facilities in an area of high scenic quality. While the applicant has proposed to remove all visible infrastructure at or below grade, there remains a potential for negative visual impacts should any of the remaining components become exposed due to erosion in the future. (See Exhibit C for photos).

**4.2 Coastal Development Permit Findings (A-3-SLO-02-068 and 3-01-113)**

As discussed in the access and recreation finding proceeding, the subject sewer facilities include manholes, pump stations, concrete bollards and other aboveground structures in addition to the sewer line (historically) found below the beach sand. These non-recreational structures along the back-beach area significantly degrade the public viewshed (see Exhibit B). They are unsightly and unattractive and look as if they do not belong in a beach park setting. The Applicant's proposal would increase these visually intrusive conditions by installing a parallel line segment with an additional motor control center, 2 additional manholes, and one raised concrete bollard post. Through the use of vegetative screening for the motor control center, effort has been made to reduce the visual impacts from such development. However, the visual impacts of structural abandonment have not been addressed.

The proposed development does not protect the scenic and visual qualities of this sensitive coastal beach area as directed by Coastal Act Section 30251. The development introduces a decidedly unnatural form into the beach environment which: (a) is not protective of views to and along the ocean and beach; (b) does not minimize the alteration of natural land forms; (c) is not visually compatible with the character of the surrounding area; and (c) is not subordinate to the character of its beach setting. The proposed development is inconsistent with Coastal Act Section 30251.

Moreover, the Coastal Act recognizes the public view at the site as a "resource of public importance" that must be protected from interference (Sections 30211 and 30251). This viewshed is already marred by the placement of manholes (as well as other apparatus) on the beach (see, Exhibit B). The proposed project interferes with the public's ability to enjoy the beach viewshed and does not maximize such visual access. As such, the proposed development is inconsistent with Coastal Act Sections 30210 and 30211.



The beach area has been marred by the presence of the beach area pump facilities for two decades. As a result such facilities have changed the natural landforms associated with Old Creek to a more unnatural one. Moreover, the area contains public benches and eating areas where unobstructed views of Morro Rock exist. It is incumbent upon beach area development to ensure that it is compatible with such a natural environment to the maximum extent feasible.

As conditioned, the Commission finds that the proposed project protects the scenic and visual qualities of this sensitive coastal beach and bay area; protects views to and along the ocean and beach; minimizes the alteration of natural land forms; is visually compatible with the character of the surrounding area; is subordinate to the character of its beach setting; does not interfere with the public's ability to enjoy the beach viewshed; and maximizes visual access; and, as such, is consistent with Coastal Act Sections 30210, 30211, and 30251.

## **5. Land Use Priorities**

Coastal-dependent and coastal-related development is among the highest priority Coastal Act uses. Section 30001.5 states in part:

*Section 30001.5. The Legislature further finds and declares that the basic goals of the state for the coastal zone are to: (a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources. ... (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners. (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast. ...*

The Coastal Act requires that public recreational uses take precedence over private residential and general industrial or commercial development, but not at the expense of coastal-dependent industry:

*30220: Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

*30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

*30222. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

*30223: Upland areas necessary to support coastal recreational uses shall be reserved for such*



*uses, where feasible.*

Coastal Act Section 30255 also provides:

*Section 30255. Coastal-dependent developments shall have priority over other developments on or near the shoreline. ...*

The Coastal Act defines coastal-dependent and coastal-related as follows:

*Section 30101. "Coastal-dependent development or use" means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.*

*Section 30101.3. "Coastal-related development" means any use that is dependent on a coastal-dependent development or use.*

The subject sewer line, both the existing facilities and the proposed installation, are not coastal-dependent and are not coastal-related facilities and thus do not enjoy any sort of priority for siting on the beach. As evidenced by the Applicant's alternatives analysis, the beach area sewer line could feasibly be located on inland roads. Coastal Act Sections 30220 – 30223 establish recreational use as the priority for the subject beach area. Accordingly, the proposed sewer line development is inconsistent with the land use priorities of the Coastal Act.

There are complementary Coastal Act policies at play here (i.e., sensitive marine resources, public access and recreation, and hazards) that dictates that removal of the beach area line and its associated facilities. This is necessary to achieve consistency with the Coastal Act (see previous findings and Special Condition 2). Removal of the abandoned beach area pump stations also has the long-term effect of restoring the beach area to priority beach recreational uses. Such a project modification also provides consistency with the land use priorities of the Coastal Act.

As conditioned, the Commission finds that the proposed project will result in the return of beach recreational uses to portions of the beach currently impacted with non-recreational structures consistent with the Coastal Act land use priorities discussed in this finding.

## **6. Public Services**

Coastal Act Section 30254 states:

*Section 30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal*



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*dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

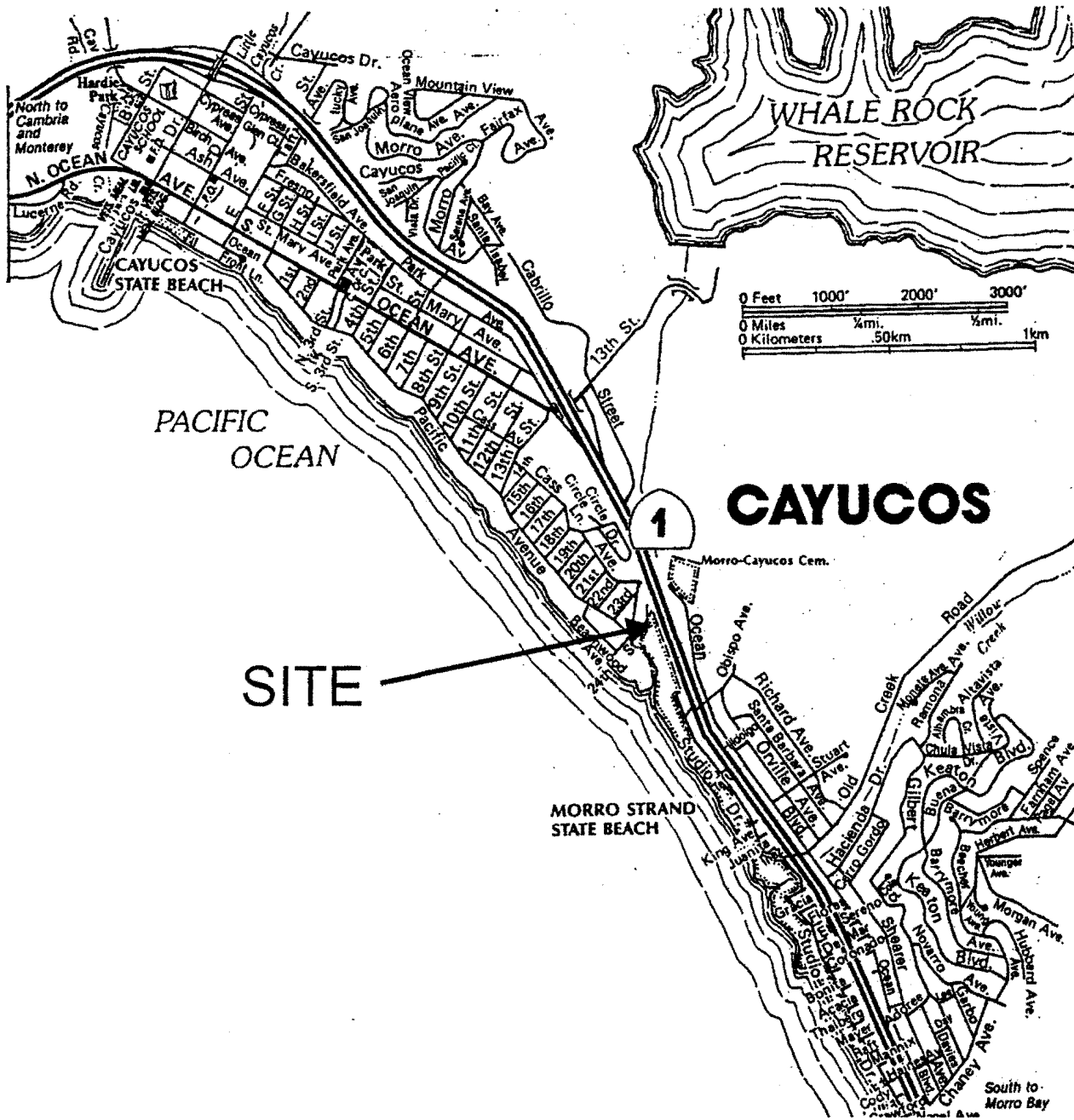
The proposed project would not expand the overall capacity of the existing sewer pipeline past what currently exists. The Applicant intends to supplement a small portion of the overall line (approximately 702 linear feet) with a parallel line segment. The Applicant proposes to keep the existing line for emergency backup purposes. In any case, since capacity is not being expanded with the project past what currently exists at this location, the Commission finds that the project is consistent with Coastal Act Section 30254.

## **7. California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate mitigations to address adverse impacts to said resources. Accordingly, the project is being approved subject to conditions which implement the mitigating actions required of the Applicant by the Commission (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.

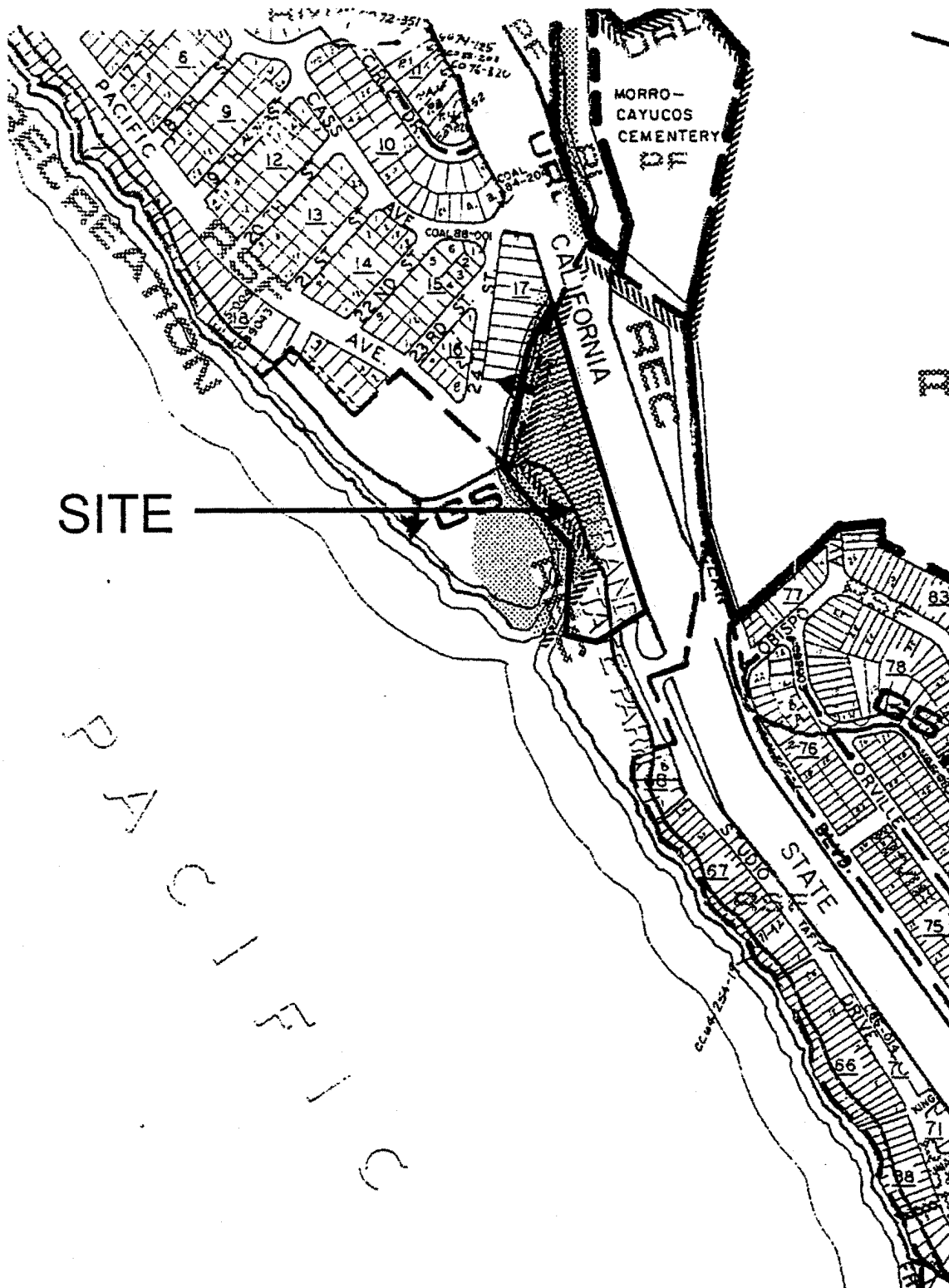




**PROJECT**  
 Minor Use Permit  
 Cayucos Sanitary District (D010175P)



**EXHIBIT**  
 Vicinity Map



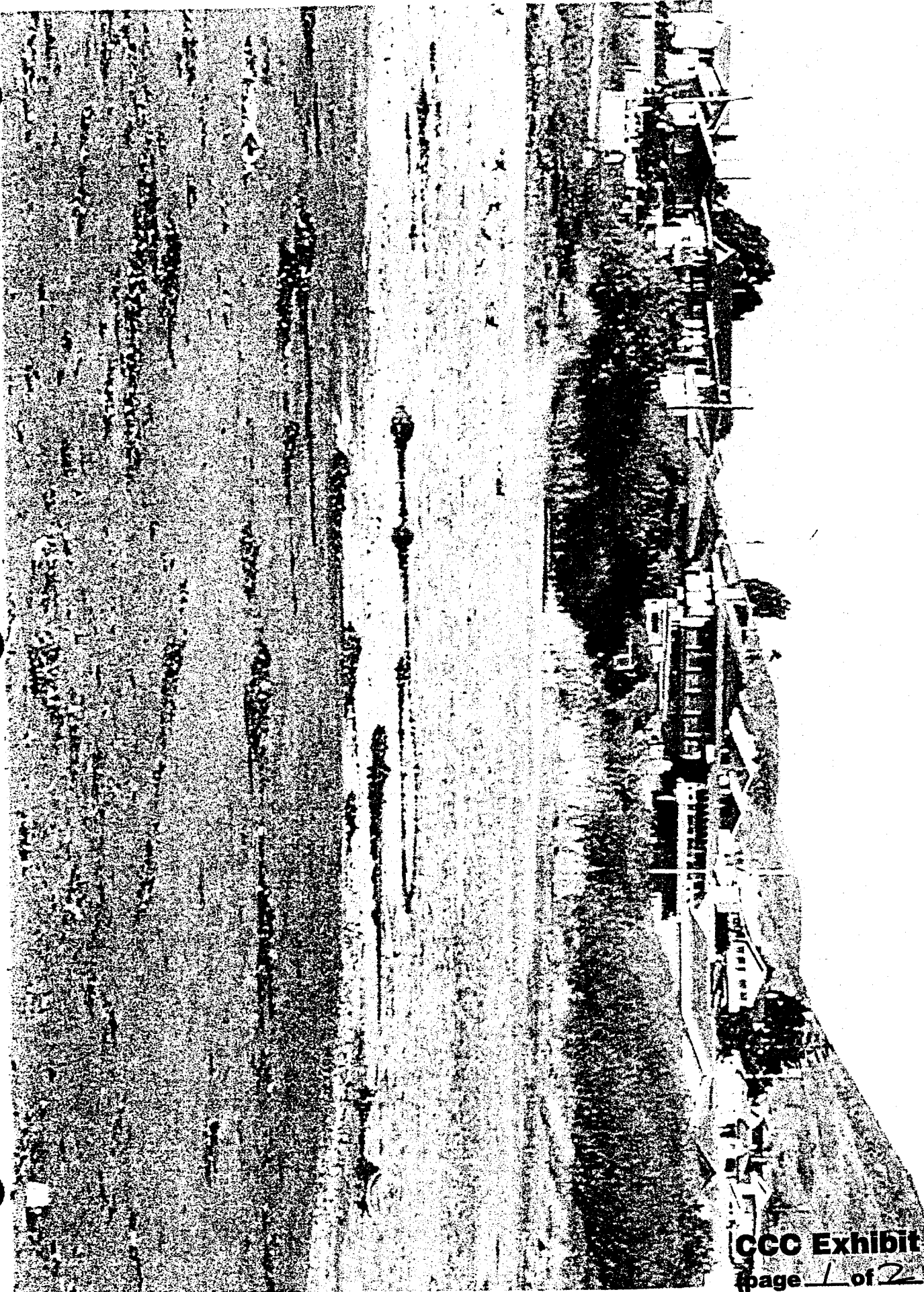
**PROJECT**

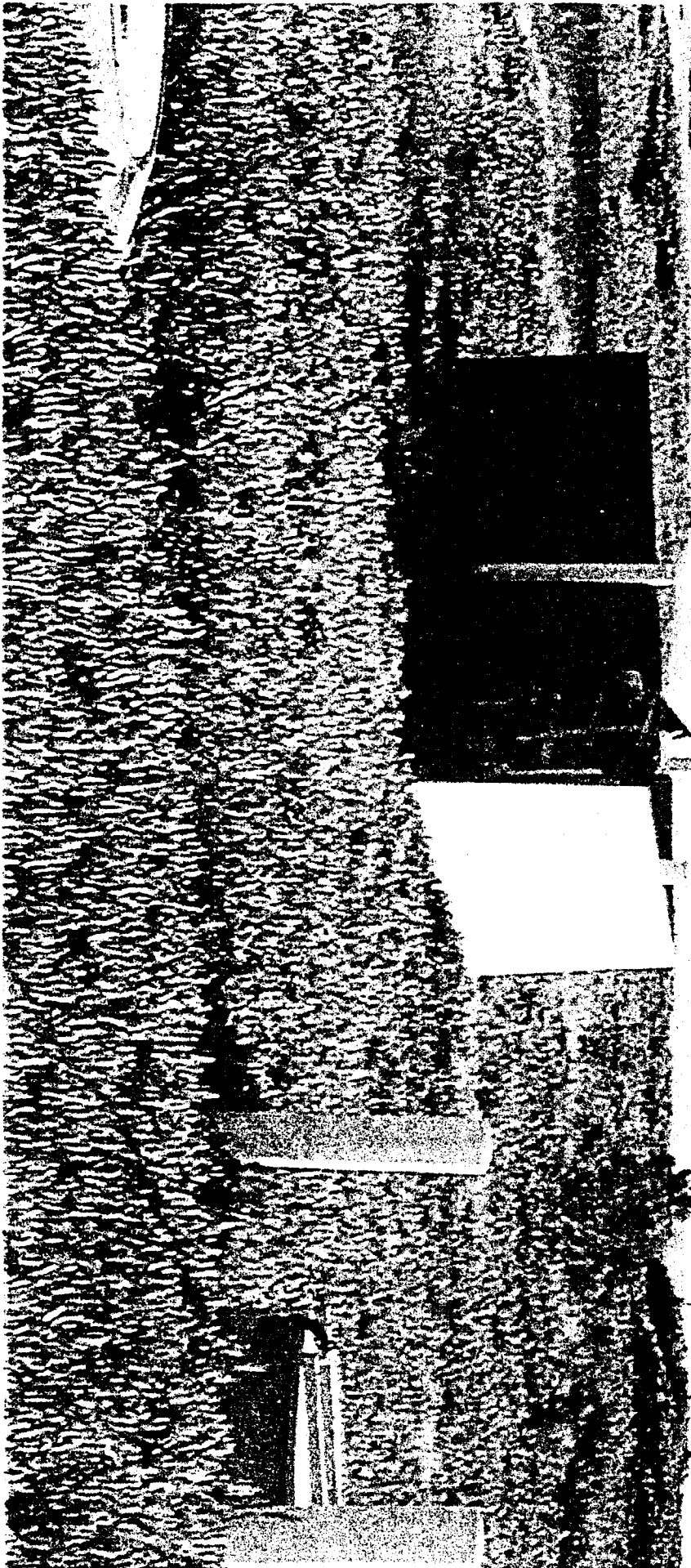
Minor Use Permit  
Cayucos Sanitary District (D010175P)



**EXHIBIT**

Land Use Category Map





**CCC Exhibit B**  
**(page 2 of 2 pages)**





County of San Luis Obispo  
Permit Jurisdiction

PROPOSED  
STAGING  
AREA

PUMP  
STATION  
TO BE  
ABANDONED

PROPOSED  
HDD BORE  
LOCATION  
(PIPELINE)

Coastal Commission  
Permit Jurisdiction

SOUTH  
PARKING LOT  
TO BE  
IMPROVED

County of San Luis Obispo  
Permit Jurisdiction

Inland extent of California Coastal  
Commission original permit  
jurisdiction

CCC Exhibit C  
Page 1 of 1 page(s)

BD No. 30-2001  
Cayucos Sanitary District  
Pump Station #2 and Force Main  
San Luis Obispo County

Exhibit #2

**EXHIBIT A - FINDINGS (D010175P)**

- A. Cayucos Sanitary District as Lead Agency, after completion of the initial study, found that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was approved on August 20, 2001 for this project. Mitigation measures are proposed to address aesthetics, air quality, biological resources, cultural resources, geology & soils, hazards & hazardous materials, water quality, noise, recreation and traffic circulation, and are included as conditions of approval as appropriate.
- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project is replacing a necessary part of the public infrastructure and the disruption due to construction will be minimized by measures included in the conditions of approval.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project will provide necessary sewer service to the neighborhood and will not affect the character due to its primarily subterranean nature.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project the project will not generate traffic other than short term construction traffic that can easily be accommodated on the surrounding streets.
- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because coastal access will be maintained throughout the project and the project has been conditioned to provide for improvements as an offset due to the loss of use of the public of the two parking lots.
- H. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because the project will take place outside of the area of Old Creek and associated habitats. In the event that activities associated with the boring occur that necessitate work in the area of Old Creek, conditions have been included to minimize disturbance through comprehensive monitoring and early detection.
- I. The location of some of the construction staging and boring operations may be within the required 100 foot setback from wetlands (top of bank), but they will occur within an existing paved parking lot and will not result in any impacts to the wetlands. Other routes are not feasible or may result in other potential significant impacts and the construction activities occurring within the setback are related to existing infrastructure, are temporary, and are proposed to accomplish a project that will result in the relocation of the existing pump station to a location outside of the setback.

11

The reduction in the 100 foot setback has considered the specifics of the site including the existing use as a paved parking area, erosion potential, intensity of proposed activity, habitat value of the area, topographic feature and current uses as a heavily used public recreation area.

- K. Natural features and topography have been considered in the design and siting of all proposed physical improvements.
- L. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource.
- M. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because the applicant has incorporated these into the design and will include appropriate measures during construction.
- N. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because no significant resources were identified in the project area.

**EXHIBIT B - CONDITIONS OF APPROVAL (D010175P) - Final Revised**

**Approved Development**

This approval authorizes

- a. construction of a new sanitary sewer pump station with a capacity of 2,000 gpm.
- b. construction by horizontal directional drilling of a new 10 inch sewer force main, within a 16 inch HDPE casing, under Old Creek between the north and south State Park parking lots.
- c. construction staging at existing parking lots and graded areas.
- d. monitoring activities at Old Creek, the associated lagoon and wetlands and the beach.
- e. clean-up activities (if necessary) as approved by the County in the event of a release of drilling fluid in Old Creek, the associated lagoon and wetlands and the beach.
- f. repair and reconstruction of any damaged public facility including parking lots and roadways
- g. installation of a fence at the south parking area and installation of interpretive signs in the lagoon area.
- h. maximum panel height of 5 feet to be measured from parking lot elevation.

2. All development shall be consistent with the approved plans with the exception that the construction plans shall be revised to reflect the minimum 30 foot bore depth recommended in the geotechnical evaluation (Geosolutions; 3/12/02).
3. Failure of repeated bore attempts or failure to comply with conditions of approval may be cause for permit revocation and project termination by the County.
4. If at any time in the future, the existing pump station structure or 8 inch sewer main becomes exposed due to storm erosion (tidal or fluvial), the District shall remove the exposed infrastructure.

**Monitoring**

5. **Prior to commencing construction**, the applicant shall provide funding for retention of a County Monitor to be selected in consultation with the applicant (and any other permitting agency that requests coordinated monitoring of their permit conditions). The Monitor shall be under contract with the county to provide plan review, construction field inspection and reporting, and enforcement of conditions of approval (County and other Agency as appropriate). Duplication of responsibility with the District Monitor shall be minimized. The County fee waiver shall be applied to the monitoring administrative fee if not already applied to the project.
6. **Prior to commencing construction, the monitor shall prepare a specific project mitigation monitoring plan in coordination with the applicant** to be reviewed and approved by the Environmental Coordinator, CDFG, CDPR (and Coastal Commission if requested). The plan shall include:
  - a. incorporation of all pertinent monitoring and reporting conditions as required by CDFG and Coastal Commission in the permits issued by those agencies.
  - b. details on monitoring methodology.
  - c. a tracing dye component or other suitable substitute mechanism for early detection in aquatic environments.
  - d. identification of roles and responsibilities of all parties including - contractors, applicant consultants, Monitor, permitting agencies.
  - e. chain of command and reporting.
  - f. identification of decision making authority with the final approval resting with the appropriate permitting agencies (depending on area of jurisdiction).
  - g. authorization of the Monitor to stop the project at their discretion if a violation or impact to the environment occurs.

**Biological Resources**

**Prior to commencing construction**, the applicant shall prepare a "frac out" Contingency and Clean-up Plan for the review and approval of the Environmental Coordinator in consultation with the other permitting agencies and C DPR. This Plan shall be integrated with the required monitoring plan. The plan shall include under what conditions a bore will be abandoned, and how many repeated bores may be attempted.

- 8. If possible, force main construction shall occur during low tide periods or when there is diminished aquatic habitat along the bore alignment.
- 9. **Prior to commencement of construction**, the applicant shall provide a survey for snowy plover activity, conducted by a qualified biologist for the general project area including the beach in the vicinity of Old Creek and the north and south parking lots.
- 10. **Prior to commencement of construction**, the applicant shall delineate on a site plan or construction plan, areas of sensitive habitat and identify the activities to be restricted from these areas. The areas to be defined include the lagoon, wetlands, area of plover activity and the intertidal area. A fencing plan, as appropriate shall be reviewed and approved by the County and C DPR.
- 11. **Prior to commencement of construction**, the environmental monitor shall conduct a brief training session to advise construction personnel on the biological sensitivity of various habitats and discuss various measures for minimizing potential construction-related impacts.
- 12. **During construction** the environmental monitor shall supervise all construction activities located within or directly adjacent to sensitive communities including intertidal and sandy beach areas, and potential wetland areas. The monitor shall visit construction zones located within or near sensitive areas at a frequency and duration determined appropriate by the County and based on construction timing and sensitivity of resources at issue. Weekly reports will be prepared by the monitor which document construction activities and associated effects on sensitive biological resources.

**Aesthetics**

- 13. **Prior to commencement of construction**, the applicant shall prepare a landscape and screening plan for the review and approval of the Planning Director. The plan shall include appropriate plant material to screen the proposed motor control panel, but shall not obscure views from adjacent property.
- 14. **At the time of completion of construction**, the approved Landscape Plan shall be implemented. The landscaping shall be maintained in perpetuity consistent with the approved plan.

**Air Quality**

- 15. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the construction plans.
  - a. Reduce the amount of disturbed area where possible.
  - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
  - c. All dirt stock pile areas shall be sprayed daily as needed.

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- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating non-invasive grass seed and watered until vegetation is established.
- f. All disturbed soil areas not subject to revegetation must be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by APCD.
- g. All roadways, parking areas, etc. to be paved should be completed as soon as possible.
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.
- j. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

**Water Quality/Soil Erosion**

- 16. Construction shall be limited to the time period outside the "rainy season" (October 15 - April 15). In the event construction is on-going at October 15, construction may be continued with additional conditions as authorized by the Planning Director.
- 17. **Prior to commencement of construction**, the applicant shall prepare a Sedimentation and Erosion Control Plan that meets the requirements of CZLUO 23.05.036(d) for the review and approval of the Public Works Department.
- 18. **Prior to commencement of construction**, the applicant shall prepare a Drainage Plan that meets the requirements of CZLUO 23.05.044(a) for the review and approval of the Public Works Department.
- 19. **Prior to commencement of construction**, the applicant shall prepare spill prevention, control and countermeasures plan for the review and approval of the Environmental Coordinator. The plan shall address the prevention of release of petroleum and hazardous materials.

**Cultural Resources**

- 20. **Prior to commencement of construction**, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:
  - a. List of personnel involved in the monitoring activities;
  - b. Description of how the monitoring shall occur;
  - c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
  - d. Description of what resources are expected to be encountered;
  - e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
  - f. Description of procedures for halting work on the site and notification procedures;
  - g. Description of monitoring reporting procedures.

21. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.
22. **Prior to commencement of construction**, the archaeological monitor shall conduct a brief training session with construction personnel discussing the cultural sensitivity of the area and the protocol for discovery of cultural resources during construction.
23. **Upon completion of all monitoring/mitigation activities**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

**Recreational Resources**

24. Use of a portion of the parking lots and access to the beach shall be maintained at all times throughout the construction period. The applicant shall repair the north and south parking lots to pre-construction condition to the satisfaction of CDPR.
25. The partial closure of the north and south State Park parking lots shall not exceed eight weeks. If after eight weeks the construction is not complete, the applicant shall submit a supplemental access mitigation plan that provides additional off-sets for the loss of public coastal access and recreation opportunities. The plan shall be reviewed and approved by the Planning Director in consultation with CDPR and the Coastal Commission.
26. **Prior to initiating construction** (i.e., at least 3 weeks prior to commencement of staging in the parking lot), the project applicant shall notify CDPR of the project schedule so that CDPR can ensure that no special events, maintenance activities, etc. are scheduled at the parking lot during the 8-week construction period.
27. **Prior to initiating construction**, the project applicant shall coordinate with the CDPR and provide signage in the construction area that includes the estimated period of construction and identifies the affected area. This shall also include notification that the parking lots are open during construction and shall provide for any necessary (per CDPR) signage in the construction area directing users to a safe route through or around the construction. If it is determined that by CDPR that public access through the construction area with appropriate signage still presents an unsafe situation, the applicant shall provide for portable chemical toilets for use of the public and construction crews in the parking lot area.
28. As an offset to the loss of public coastal access and recreation opportunities, the applicant shall provide a plan, and construct a barrier fence at the south parking lot to the satisfaction of CDPR. In addition, the applicant shall provide for permanent interpretive signs at both the north and south side of Old Creek that identifies the sensitive lagoon, wetland and riparian habitats found in the area and the need to protect these habitats from intrusion and disturbance. The signs shall be consistent with the standard CDPR requirements. The replacement and/or on-going maintenance of the improvements is the responsibility of CDPR. In the event of a conflicting requirement for fencing and signing by the California Coastal Commission, County Staff may adjust the terms of this condition to reduce the level of improvements accordingly.

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**Prior to initiating construction**, the project applicant shall prepare a Construction Staging Plan including ingress/egress traffic control into State Parks property and parking lots. This plan shall coordinate with the requirements for access signage.

30. **Prior to initiating construction**, the project applicant shall obtain an Encroachment Permit from Public Works Department for any and all construction activity or permanent facilities occurring in the public right of way.

**Noise**

31. **During construction**, hours of operation shall be limited to 7 a.m. to 7 p.m. on Monday through Friday, and between 9 a.m. to 5 p.m. Saturdays. No construction would be allowed on Sundays or State and Federal holidays. At the discretion of the Monitor, and if necessary determined to be critical for the construction of the project, the hours of operation may be extended until 9 p.m. Monday through Friday.
32. **During construction**, the applicant cause all construction equipment and related equipment to be tuned to the lowest possible noise levels including back-up beepers.

**Miscellaneous**

33. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.02.050.



**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(408) 427-4863

**Reasons for Appeal: San Luis Obispo County Coastal Development Permit D010175P (Cayucos Sanitary District)**

The Cayucos Sanitary District (CSD) proposes to replace and re-locate an existing sewer pump station and install a new 10-inch sewer force main under Old Creek connecting to a location south of the project site. Elements of the proposed project are within both the appeal jurisdiction (pump station replacement) and the original permit jurisdiction (force main installation) of the Commission. The project site is characterized by disturbed sand dunes along the mouth of Old Creek and a mosaic of riparian woodland and freshwater marsh vegetation. This coastal wetland area is considered a valuable natural resource and must be protected from non-resource dependant development. The County approved development is inconsistent with the policies and ordinances of the San Luis Obispo County Local Coastal Program because the sewer system improvements have not been designed in a manner that protects and enhances coastal resources.

1. Environmentally Sensitive Habitats (ESH) Policy 1 states that development located within or adjacent to ESH shall not significantly disrupt the resource, and only those uses dependent on such resources shall be allowed within the area. ESH Policy 2 requires that development be compatible with the biological continuance of the habitat. ESH Policy 3 requires the restoration of damaged habitats as a condition of approval when feasible. Policies 5 and 10 require protection and restoration of ESHA's, as well as referral of projects to the Fish and Game. Policies 13, 14, and 15 limit activities in and adjacent to wetlands and set the buffer areas of at least 100 feet from the upland extent of the wetland. Policies 18, 19, 20, 24, and 26 mimic wetland policies by identifying riparian vegetation as an ESHA, requiring Fish and Game review, limiting uses in and adjacent to the ESHA, and establishing buffer areas around riparian areas. These policies are implemented through Section 23.07.160-174 of the CZLUO. In addition, Marine Habitat Policies 36, 37, and 38 require that shoreline structures, including pipelines, be sighted and designed to avoid and minimize impacts on nearshore marine habitats. These policies are implemented through Section 23.07.178 of the CZLUO.

The County approved project is inconsistent with these policies and ordinances because the proposed route of the sewer main, and method of installation, pose significant adverse impacts to environmentally sensitive habitat areas. For example, significant amounts of lubricant can be released into the lagoon during drilling (a "frac-out"), which would not be compatible with the biological continuance of the sensitive coastal wetland habitat. Although mitigation measures incorporated into the County's approval would be expected to reduce negative resource impacts, such impacts are not reduced to the greatest degree possible. Moreover, these impacts could be avoided by using feasible inland routing alternatives.

The project is also inconsistent with the 100-foot wetland setback required by the LCP. Within the setback area, the applicant proposes to stage construction equipment, install additional force main segments, and abandon and fill the existing pump facilities. These actions may negatively impact the coastal wetland and its surrounding riparian resources, inconsistent with the LCP's riparian/wetland buffer policies. Feasible alternatives exist for the pump station replacement that would have less impact on the habitat. For example, removal of the existing pump facilities, coupled with habitat restoration, would better protect the habitat.

The project is also inconsistent with LCP provisions protecting marine resources due to the pollutants that may be released during drilling, or if the pipe is damaged by coastal erosion. The proposed project entails the placement of a sewer pipeline on a sandy beach adjacent to sensitive marine habitat. Because of sensitive resources at stake, the most cautious approach is warranted. In this case, a project design that completely avoids potential impacts to marine resources through the use of an inland route must be pursued to comply with LCP marine resource protection policies.

2. Hazards Policy 1 and 3 call for new development in areas subject to natural hazards to be designed to minimize risks to human life and property. The project involves the installation of a sewer force main in close proximity to the mouth of Old Creek. In addition, the applicant proposes to abandon the existing pump station in place and fill it with sand. This area is affected by the LCP Flood Hazard designation associated with Old Creek and coastal high hazards (tidal inundation or tsunami). Project plans show that in some locations, the sewer main would be located only 3 feet below the sandy surface. Locating public infrastructure and abandoning unused facilities within such hazardous areas, is inconsistent with Hazards Policy 1 and 3. Alternative designs that follow an inland route and bridge crossing can be implemented to avoid and greatly minimize risks associated with coastal hazard areas and achieve consistency with LCP Hazards policies.
3. Visual and Scenic Resources Policy 1, 2, and 5 serve to protect visual resources by requiring new development to be located in areas not visible from major public view corridors, be sited to protect major scenic views, and restore visually degraded areas where feasible. Abandoning the existing pump station and other above-grade metal and concrete structures do not blend with the natural terrain, as required by the LCP. Feasible alternatives exist that allow for the park to maintain its scenic, natural character. Namely, project alternatives that will remove all unnecessary facilities must be implemented in order to comply with LCP visual and scenic resource policies.
4. Recreation and Visitor Serving Policy 1 requires that coastal recreation and visitor-serving facilities be protected. In addition, Shoreline Access Policies 1,2 4,6, 9 and CZLUO Section 23.04.420 protect public access to the shoreline. Morro Strand State Beach is an important visitor-serving and coastal recreation area. While limited access will be maintained during construction, a portion of the beach area will be closed to the public. The project is estimated to take 2-4 weeks to complete, however, past experience with "frac-out" problems, if they occur, indicate that this construction period could be significantly increased. Most importantly, in the event of a pipeline failure or sewage spill it is possible that public access and recreation opportunities may be dramatically impacted. This is inconsistent with the LCP.

The project is located seaward of the first public road and the sea. As such, to the extent Coastal Act policies are implicated, this loss of public access area appears to be likewise inconsistent with Coastal Act Access and Recreation Policies 30210, 30211, 30213, 30221, 30223.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION

HOUSING AGENCY

GRAY DAM, 2000

## DEPARTMENT OF TRANSPORTATION

50 Higuera Street  
SAN LUIS OBISPO, CA 93401-5416  
TELEPHONE (805) 349-3111  
TDD (805) 549-3259  
INTERNET <http://www.dot.ca.gov/dist05/>



March 27, 2002

SLO-1-34.90

Old Creek Bridge No. 49-197

Ms. C.M. Florence, Agent Cayucos Sanitary District  
Oasis Associates, Inc.  
3427 Miguelito Court  
San Luis Obispo, CA 93401

Dear Ms. Florence:

RE: Proposed Pump Station No. 2 Relocation/Force Main Replacement, SLO-1-34.90, Old Creek Bridge No. 49-197.

Pursuant to your request, and subsequent to the previous request by Cayucos Sanitary District, Caltrans Structures Maintenance Department reviewed the proposed pipe crossing of State Route No. 1 referenced by the project and alternatives analysis performed by Quad Knopf, Inc. This alternative would construct the proposed force main on an alignment starting at the relocated/reconstructed pump station and proceed northerly in 24th Street to State Route No. 1. The force main would cross under the southbound and northbound lanes of SR No. 1. It would then turn southerly and be placed on hangers on the northbound lane's bridge structure. The pipe would then leave and parallel the highway proceeding southerly to connect to the existing 10-inch force main paralleling South Ocean Avenue, south of Obispo Avenue. You also describe an alternative position for the pipes to be located on the bridge structure to be installed beneath the bridge deck. This alternative would require coring through the cross members, including the bridge at each end. The diameter of the openings to accommodate the casing would be a minimum of 18-inches.

You have communicated that for safety, visibility, and environmental concerns, the Cayucos Sanitary District has determined that the most appropriate alternative would be to route the proposed force main from the proposed relocated pump station under Old Creek utilizing horizontal directional drilling.

Caltrans does permit bridge crossings where no reasonable alternative exists. However, in light of the fact that you have an acceptable alternative that has been analyzed under the California Environmental Quality Act, we would recommend that a bridge crossing

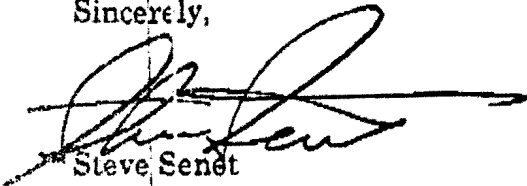
**CCC Exhibit** F  
(page 1 of 4 pages)

Ms. Florence  
March 27, 2002  
Page 2 of 2

not be permitted in this instance. Please be advised that this portion of Highway One is an Expressway, and that any encroachments into the right of way other than transverse crossings are prohibited. Exceptions to this policy may be made upon our determination that there is no reasonable alternative and such encroachment would not degrade highway safety.

Should you have additional questions, please feel free to contact me at (805) 549-3206.

Sincerely,



Steve Senet  
District Permit Engineer



State of California • The Resources Agency

Gray Davis, Governor

DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-0001

Rusty Areias, Director

San Luis Obispo Coast District  
1150 Laurel Lane, Suite 190  
San Luis Obispo, California 93401  
805/549-3312 CALNET 629-3312 FAX 805/549-3444

RECEIVED

July 11, 2002

JUL 12 2002

Planning &amp; Bldg

Steve McMasters  
Department of Planning and Building  
County Government Center  
San Luis Obispo, CA 93408

Dear Mr. McMasters:

Thank you for the opportunity to review the Department of Planning and Building staff report for the proposed upgrade of the Cayucos Sanitary District sewer facility located on Morro Strand State Beach. The Department of Parks and Recreation appreciates county efforts to protect sensitive natural and cultural resources in the area and concurs with the staff report. The Department recognizes the need to improve the system and supports the project. However, several issues require additional comment.

Restroom use. The project configuration indicates that the public will be required to access the existing restroom facility by walking from the parking lot out onto the Pacific Ave. and 24<sup>th</sup> St. intersection, and adjacent to drilling operations. This presents a potentially unsafe condition for the visiting public. The Department requests that portable chemical toilets be provided for public use. In addition, the Department request that the work crews utilize portable chemical toilets so the restroom facility can be closed during construction.

Parking lot. The Department requests the project proponent repair the Old Creek (paved) and Studio Drive (unpaved) parking lots back to original condition prior to construction.

Monitoring. The Department concurs with the recommendation for a County monitor. Several horizontal bore operations have occurred on park property during the past 10 years. It has been our experience that an independent monitor provides timely and effective decision-making and reporting.

Decommission old pump station. The Department understands that the old pump station will be abandoned in place. However, a description of the abandonment method is not available. The Department requests a full description of the pump station decommission.

CCC Exhibit F  
(page 3 of 4 pages)

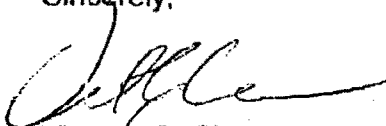
Steve McMasters  
July 11, 2002  
Page 2

Other construction activities. Periodically, the Department receives requests to access the strand for seawall repair/construction. Frequently, the Studio Drive parking area is used as staging for this activity. If a request for access occurs during pipeline construction, support equipment for other construction activity will be required to stage, and store equipment, off-site.

On a construction note, the sewer connection from the existing restroom was not indicated on the construction drawing reviewed by the Department. Although it may be located away from ground disturbance, it should be identified.

Thank you for the opportunity to comment. Please notify the Department if a hearing is scheduled to discuss the project. Please do not hesitate to contact me if you have any questions.

Sincerely,



Vincent G. Cicero  
State Park Resource Ecologist

(Back  
Aug. 5th)